

Questions in D-Block 2FNPRM

WHO SHOULD BE ELIGIBLE TO USE SERVICE?

FCC asks whether “under Section 337 of the Communications Act of 1934, as amended (“Act”),¹ and Section 90.523 of the Commission’s rules,² only entities that are providing public safety services, as defined in the Act, are eligible to use the public safety spectrum portion of the shared network established under the 700 MHz Public/Private Partnership...”

Public Safety should be defined as any governmental agency or department within an agency that has a Mission of protecting or serving the public. Public safety needs broadband communications. FCC must continue to require a broadband network be built to public safety requirements. Public safety does not need another commercial network.

SHOULD USE OF THE NETWORK BE MANDATORY?

FCC asks “...whether such entities [see above] should be required to subscribe to the network.” ¶

In order to coordinate interoperability communications between all public safety agencies Federal grant funding should include requirement language that would encourage the use of this broadband network if the network has been completed in the agency’s area of coverage.

SHOULD PUBLIC SAFETY LICENSEE BE REQUIRED TO BE A NON-PROFIT?

FCC asks whether it should clarify (some might mandate for the first time) that the “Public Safety Broadband Licensee be a non-profit organization...”

Yes.

For-profit organizations can have access however at a lower priority than Non-profit public safety agencies during emergencies.

IS IT IN THE PUBLIC INTEREST TO REQUIRE A PUBLIC PRIVATE PARTNERSHIP FOR THE PURPOSES OF CREATING A NATIONWIDE, INTEROPERABLE BROADBAND NETWORK FOR BOTH COMMERCIAL AND PUBLIC SAFETY?

FCC asks “...whether it remains in the public interest to require a public/private partnership between the nationwide D Block licensee and the Public Safety Broadband Licensee for the purpose of creating a nationwide, interoperable broadband network for both commercial and public safety network services.”

If the public/private partnership business model proves viable, FCC must allow greater flexibility for early local agency system implementation in areas where public/private broadband network build out is delayed/unlikely.

If it turns out a public/private broadband network is not a viable business model, the FCC and Congress must step up and provide funding and spectrum access for public safety to implement a broadband network that meets public safety requirements.

WHAT SHOULD BE THE RULES TO GOVERN D-BLOCK AND ITS LICENSEE?

FCC asks “...in the event that we do continue to require a public/private partnership between these licensees, we seek comment on a broad set of possible revisions to the 700 MHz Public/Private Partnership, including revisions regarding the respective obligations of the D Block licensee and the Public Safety Broadband Licensee.”

The Commission then outlines specific questions it wants defined, including:

- the technical requirements of the shared wireless broadband network to be constructed by the D Block licensee,

No Comment

- the rules governing public safety priority access to the D Block spectrum during emergencies;

No Comment

- the D Block performance requirements and license term;

No Comment

- the respective and responsibilities of the D Block licensee and Public

No Comment

- Safety Broadband Licensee in connection with the 700 MHz Public/Private Partnership and the shared wireless broadband network, including whether the Public Safety Broadband Licensee may assume responsibilities akin to a “mobile virtual network operator”;

No Comment

- the various fees associated with the shared network;

The number of public safety users verses the number of commercial users will represent a small percentage of the total users on the system. Rather than applying future federal funds to allow agencies to access the system, make the requirement that public safety agencies access the system at no recurring charge. From a commercial perspective, it has been suggested to subsidize it for a few years with auction funds for businesses to develop new revolutionary technologies and give the U.S. a technology booster shot without spending any money and ultimately establish more users for the commercial network owners.

- the process for negotiating and establishing the Network Sharing Agreement, including the consequences of a failure to reach agreement; and relocation of the public safety narrowband operations
- relocation of the public safety narrowband operations.

This does not impact Arlington since 700 MHz is not available at the moment. Other agencies that have already started deploying some type of alternate technologies are directly impacted. The FCC should consider the following;

- Develop a process for the FCC to obtain relocation cost estimates from each agency through the Public Safety Spectrum Trust. The \$10M cap estimated in 2007 may be to low.

- Extend the 8/30/07 deadline for implementing equipment under the old band plan. Agencies that have filed waivers asking to continue implementation after that date should also urge the FCC to finally approve these waivers if no action taken to date.
- Extend the 2/17/09 relocation deadline. Date is now unrealistic given the D Block auction delay.
- Adjust the funding availability timetable. The FCC must allow sufficient time between receiving relocation funds and the deadline placed on the agency to relocate all narrowband equipment to the new band plan.
- Address agency specific challenges caused by the relocation process.

SHOULD THE LICENSE BE NATIONAL IN SCOPE, OR ARE THERE BENEFITS TO IT BEING OFFERED ON A REGIONAL BASIS?

FCC asks “...we seek comment on ... whether to license the D Block and public safety broadband spectrum on a nationwide or adopt a regional geographic service area basis...”

Agencies may opt-out of the use of the broadband network and elect to continue using their regional existing wireless network rather than the one contemplated by the FCC.

SHOULD THE FCC CONDUCT A SECOND AUCTION SEEKING TO ESTABLISH A PUBLIC/PRIVATE PARTNERSHIP; SIMPLY AUCTION THE D-BLOCK FOR COMMERCIAL SERVICES OR AWAIT THE FAILURE OF THE SECOND AUCTION BEFORE CONSIDERING SUCH AN ACTION?

FCC asks whether it should “...immediately conduct an auction to license the D Block without ... a [public safety partnership] condition...[or do so only in the event]... the next D Block auction fails to produce a winning bidder, or the winning bidder defaults or fails to negotiate a successful Network Sharing Agreement...”

No.

Public safety needs broadband communications. FCC must continue to require a broadband network be built to public safety requirements. Public safety does not need another commercial network.

If it turns out a public/private broadband network is not a viable business model, the FCC and Congress must step up and provide funding and spectrum access for public safety to implement a broadband network that meets public safety requirements.

SHOULD THE COMMISSION CHOOSE TO AUCTION THE D-BLOCK FOR COMMERCIAL PURPOSES, ARE THERE SPECIAL REQUESTS FOR THAT AUCTION TO PROTECT THE ABUTTING PUBLIC SAFETY NETWORK?

FCC asks in the event of a commercial D-Block auction whether it needs to make "...revisions to the rules that would be appropriate with respect to the D Block license...."

Any abutting data networks must include adequate guard bands to protect the neighboring networks from interference.

DOES A PUBLIC/PRIVATE PARTNERSHIP MAKE SENSE AND WERE THE FCC'S GOALS CORRECT?

The FCC invites comments on the accuracy of its principle that creating the partnership was the best means to "...facilitate access for public safety to a robust, advanced communications infrastructure and produce economies of scale inherent in a nationwide footprint." If parties agree with that principle, then how can the FCC improve the process?

Arlington agrees with the network principles (Public/Private) and the FCC goals.

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